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OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP  
PO BOX 55874  
BOSTON MA 02205

In re Application of :  
Moser, et al. :  
Application No. 10/072,425 : ON PETITION  
Filed: February 7, 2002 :  
Attorney Docket No. DECLE55.1C2CD1 :

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed March 17, 2010.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.137(b)". No further petition fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed April 21, 2009, which set a shortened statutory period for reply of three (3) months. Applicants filed an Amendment on October 21, 2009, made timely by obtaining a three month extension of time. However, by Advisory Action mailed January 8, 2010, the Examiner informed Applicants that the Amendment would not be entered because it failed to place the application in condition for allowance. As such, the application became abandoned by operation of law on October 22, 2009.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m) - currently \$750 for a small entity; (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

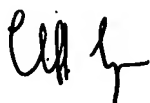
The instant petition has not satisfied requirement (1). Applicants have not submitted a proper response to the April 22, 2009 final Office action. A proper response to a final office action consists of either: (1) an amendment that *prima facie* (i.e. on its face) places the application in condition for allowance; (2) a Notice of Appeal (and the required fee); (3) a Request for Continued Examination (and the required fee), or (4) a continuing application.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                Mail Stop Petitions  
                          Commissioner for Patents  
                          PO Box 1450  
                          Alexandria VA 22313-1450

By FAX:                571-273-8300  
                          Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions